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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,483	09/27/2001	Robert A. Koch	BS01-080	8720
38516	7590	01/19/2005	EXAMINER	
SCOTT P. ZIMMERMAN, PLLC			WON, MICHAEL YOUNG	
PO BOX 3822			ART UNIT	PAPER NUMBER
CARY, NC 27519			2155	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,483

Applicant(s)

KOCH ET AL.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. In response to the preliminary amendment filed on July 27, 2004, claims 7, 10 and 11 have been cancelled. New claims 14-24 have been added.
2. Claims 1-6, 8, 9 and 12-24 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8, 9 and 12-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Duphorne (US 6,212,265 B1).

INDEPENDENT:

As per claim 1, Duphorne teaches a method for delivering a notification of an email arrival to a telephone customer premises equipment, said method comprising: receiving a message on an application server, said message including at least an email addressee (see col.1, lines 19-21 and col.3, lines 60-63); looking up the email

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addressee in a database to identify at least a subscriber directory number associated with the email addressee (see col.10, line 52 to col.11, line 2); sending an instruction from the application server to a service control point (see col.4, lines 8-13) including at least the subscriber directory number (see col.10, lines 58-62); causing an advanced intelligent network node to initiate a call to the subscriber directory number (see col.10, line 66 to col.11, line 2); and sending a signal to the telephone customer premises equipment (see col.2, lines 38-42 and col.11, lines 2-14).

As per claim 12, Duphorne teaches a method for delivering a notification of an email arrival to a shared broadband appliance, said method comprising: receiving a message on an application server, said message including at least an email addressee (see col.1, lines 19-21 and col.3, lines 60-63); looking up the email addressee in a database to identify at least an internet protocol address and a user name associated with the email addressee (see col.4, lines 32-47); and sending an instruction from the application server to the shared broadband appliance based on the internet protocol address (see col.4, lines 8-13), said instruction including at least the user name and directing the broadband appliance to display a notice directed to the user name (see Fig.7, and col.8, lines 8-41).

As per claim 14, Duphorne teaches a method for delivering a notification of an email arrival to a telephone customer premises equipment, said method comprising: receiving a message on an application server, said message including at least an email addressee (see col.1, lines 19-21 and col.3, lines 60-63); looking up the email addressee in a database to identify at least a subscriber directory number associated

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with the email addressee (see col.10, line 52 to col.11, line 2); sending an instruction, said instruction including at least the subscriber directory number (see col.10, lines 58-62), from the application server to a network node capable of initiating a telephone call (see col.4, lines 8-13); and causing the network node to initiate a call to the subscriber directory number (see col.10, line 66 to col.11, line 2).

As per claim 19, Duphorne teaches a system for delivering a notification of an email arrival, said system comprising: a server receiving a message, the message including at least an email addressee (see col.1, lines 19-21 and col.3, lines 60-63); a database looking up the email addressee to identify at least a subscriber directory number associated with the email addressee (see col.10, line 52 to col.11, line 2); and a network node receiving the subscriber directory number in an instruction to initiate a call to the subscriber directory number (see col.10, line 66 to col.11, line 2), wherein the call provides notification of the arrival of the email (see col.2, lines 38-42 and col.11, lines 2-14).

DEPENDENT:

As per claim 2, Duphorne further teaches wherein the telephone customer premises equipment comprises a telephone device (see col.7, lines 20-22).

As per claims 3, 15 and 20, Duphorne further teaches wherein the sending the signal or the instruction comprises sending a distinctive ring tone (see col.10, lines 15-24).

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As per claim 4, Duphorne further teaches wherein the telephone customer premises equipment comprises a caller-id display device (see Fig.1, #20 and col.3, lines 48-59).

As per claims 5, 16 and 21, Duphorne further teaches wherein sending the signal or the instruction comprises sending a text message for display on the caller-id display device (see col.3, lines 48-59).

As per claims 6, 17 and 22, Duphorne further teaches wherein the step of looking up the email addressee in a database further comprises identifying a user name associated with the email addressee (see col.4, lines 35-47).

As per claims 8, 18 and 23, Duphorne further teaches wherein the step of looking up the email addressee in a database further comprises identifying a distinctive ring signal associated with the email addressee (implicit: see claim 3 rejection above and col.4, line 44: "preferred email notification signal format").

As per claim 9, Duphorne further teaches wherein the step of looking up the email addressee in a database further comprises identifying a user name and a distinctive ring signal associated with the email addressee (see claims 6 and 8 rejection above).

As per claim 13, Duphorne further teaches wherein the message further includes a sender email address and the instruction further directing the broadband appliance to display the sender address (see col.8, lines 28-33).

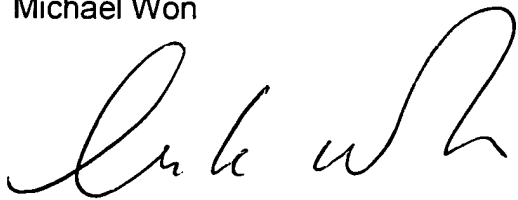
As per claim 24, Duphorne teaches of further comprising a mail server receiving the email (see col.2, lines 21-24).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



December 7, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER